

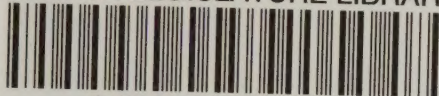
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# Synopsis of Statutes of General Application

ENACTED AT THE  
THIRD SESSION  
OF THE  
NINTH LEGISLATURE

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February 18th to March 30th  
1943

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— and —

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# PROVINCE OF ALBERTA

HIS HONOUR JOHN C. BOWEN,

*Lieutenant Governor*

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## MEMBERS OF THE EXECUTIVE COUNCIL

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Attorney General*

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*Provincial Secretary and  
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*Clerk of the Legislature,  
Clerk of the Executive Council*

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# **SYNOPSIS OF STATUTES OF GENERAL APPLICATION**

**Enacted at the Third Session of the  
Ninth Legislature**

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## **APPROPRIATION ACT, 1943**

(Chapter 1)

This Act provides for the payment out of the General Revenue Fund of \$52,766.95 on account of expenditures for the fiscal year ending the 31st day of March, 1942, and for the payment out of the General Revenue Fund of \$737,316.84 on account of expenditures for the fiscal year ending the 31st day of March, 1943, and for the payment out of the General Revenue Fund of a sum not exceeding \$24,720,611.58 on account of expenditures of the public service for the fiscal year ending the 31st day of March, 1944.

This Act came into force on March 30, 1943.

## **LOAN ACT, 1943**

(Chapter 2)

This Act authorizes the Lieutenant Governor in Council to raise by way of loan a sum of not more than \$1,000,000 upon the credit of the General Revenue Fund.

This Act came into force on March 30, 1943.

## **SPECIAL APPROPRIATION ACT, 1943**

(Chapter 3)

This Act appropriates, from the revenues of the fiscal year 1942-1943, the sum of One Million Dollars to be placed in a fund established under The Post-war Reconstruction Fund Act, and used for the purposes set out in the last mentioned Act.

This Act came into force on March 30, 1943.

# WORKMEN'S COMPENSATION ACT

## (Chapter 4)

This Act repeals The Workmen's Compensation Act, Revised Statutes of Alberta, 1942, chapter 284, and enacts a new Act in substitution for it.

The changes made, although numerous, are in large part of a merely minor nature consisting of revisions and extensions of existing provisions making for a greater clarity and more effective application of existing provisions and having to do more particularly with matters of administration. This note deals only with changes of major importance.

The definition of "accident" in section 2 (a) is extended to include "disablement arising out of and in the course of the employment".

Section 3 now provides for a Board of three Commissioners, formerly it provided for "not more than three Commissioners".

Section 9 gives the Board authority to establish its own superannuation fund. It is now under the general Superannuation Act.

The proviso to subsection (4) of section 19 authorizes payment of compensation for the first three days of disability when the workman is disabled for more than fourteen days. Formerly it was payable only when the disability exceeded thirty days.

Subsection (5) of section 19 is changed by reason of conditions caused by the war. It provides that the period of limitation for making a claim shall not run against dependants residing within enemy alien territory or territory occupied by the enemy—this at the request of the Secretary of State for the purpose of bringing it in line with the general provision in the Regulations Respecting Trading with the Enemy. The subsection also provides that pensions to such dependants, although dating back to the date of the accident, will be payable to the dependant only from the cessation of the war and the consequent undistributed surplus will be applied and disbursed in further benefits to widow dependants in necessitous circumstances because of illness of themselves or dependent children.



Subsection (4) of section 25 now limits the subrogation in favour of the Board of the rights of a workman against a third party to his rights in respect of the personal injury suffered by him thereby leaving to the workman his rights in respect of such property damages as he may have suffered.

In section 25 the provisions as to notice of accident are changed. Formerly notice had to be given to the employer on the date of the accident if able to do so and in any event before he voluntarily left the employment in which he was injured. By the amendment it is provided that notice shall be given as soon as practicable and the Board may award compensation in any event if in its opinion "the claim is a just one and ought to be allowed".

Section 27 now provides a right of appeal from an award of the Board to "a specialist in the particular class of injury or ailment in respect of which the workman is claiming compensation". Two specialists are to be nominated by the Board after consultation with the workman's physician, and the workman selects one of these two to act. The former provisions relating to a panel of medical practitioners has been struck out.

Subsection (4) of section 31 provides that, where a lump sum payment has been accepted by a workman in full of his claim, he shall not be entitled to any further payment in respect of the "degree of disability" in respect of which it was paid. Formerly it read "for or in respect of the accident or injury arising thereout or consequent thereupon." This would allow for the reopening of a claim where there is a change in the degree of disability.

Section 33 changes the scale of compensation payable as follows:

(1) The pension payable to widows or invalid widowers entitled to compensation, has been raised from \$35.00 to \$40.00 a month;

(2) A provision for the payment to widows or foster mothers, as the case may be, of an additional sum not exceeding \$100.00 "for such additional pre-burial expenses that may be reasonably necessary consequent upon the death of the workman";

(3) To children dependants under the age of eighteen years the pension is increased to \$12.00 to all dependent children. Formerly it was \$12.00 for the eldest child and \$10.00, \$9.00 and \$8.00 for the others;

(4) For dependants other than widows or invalid widowers or children, the amount payable has been raised from \$30.00 to \$35.00 and in the whole from \$65.00 to \$70.00 a month;

It is further provided by section 33 as follows:

(a) That where reduced pensions are payable to aliens according to the standard of living obtaining in the countries in which they reside, the capital cost of the pension is to be on the same standard as pensions awarded to Canadian dependants and the undistributed surplus accruing therefrom is to be placed in a reserve and paid to widow dependants in necessitous circumstances because of illness to themselves or their dependent children up to an additional \$15.00 a month;

(b) That in cases where a fatally injured workman leaves no dependants an amount will be fixed by the Board equivalent to what would have been payable had the workman left a widow and the amount so accruing to be paid into a reserve fund and disbursed by the Board to injured workmen whose disability is enhanced because of similar or other injuries previously suffered.

There are important changes in section 44. The cost of medical aid under the existing Act is charged to workmen and is provided by deductions from their wages or salaries by the employer. Under this Act the cost of medical aid is removed entirely from the workman and is provided by the Board out of funds furnished by assessment against employers. This has been accomplished by deleting from the existing Act subsections (2), (3) and (4) of section 44, which subsections provided for contributions from workmen for the maintenance of the Medical Aid Fund. The result of the change, therefore, is that workmen no longer will be charged with the cost of medical aid in lieu of which it now becomes a charge against industry. Provision is made for reimbursement to employers who have



an approved arrangement for furnishing medical aid to their employees. By an extension of subsection (5) of the same section, the Board is empowered to establish,—

- (a) hospitals where in its opinion it may be considered necessary, and
- (b) therapeutic clinics for the rehabilitation of injured workmen.

By the introduction of section 60 (1) to (8) the Board is empowered to require employers to furnish security for assessments if and when the Board should deem it necessary.

This Act came into force on March 30, 1943.

## LABOUR WELFARE ACT

### (Chapter 5)

This Act enables the Board of Industrial Relations to make investigations relating to the welfare and conditions of labour in any particular industry or in industries generally, and to make orders to ensure proper working conditions for employees, male and female, engaged in such industries.

Section 4 outlines the nature of the orders which the Board may make relating to working conditions in industries.

Section 7 makes provision for chairs or seats for female employees in industries where work may be conveniently done by women while seated.

Section 8 provides,—

- (a) that where an inspector so directs in writing, an employer shall not allow any person to take meals in a room where any manufacturing process is carried on;
- (b) that after being directed by an inspector so to do, the employer shall provide a suitable room in the factory or shop as a dining room;
- (c) that no food shall be taken into any room where certain specified conditions exist.

Section 9 provides for prompt payment of wages to employees.

Section 10 is a repetition of the present provisions of The Factories Act outlining



the requirements of industrial plants re sanitation and comfort of employees.

Sections 11, 12 and 13 are taken from present provisions of The Factories Act.

Section 14 provides for proper examination of the premises and working conditions by inspectors under the Act, and provides penalties for any delay or obstruction of inspectors in carrying out their duties under the Act.

Section 15 provides for the making and publication of orders of the Board.

Section 16 enables the Board to vary, alter, suspend or repeal any of its orders.

Section 17 provides penalties for a breach of the Act.

Section 18 places the onus of proving that he is not an employer upon the person charged with an offence.

Section 19 repeals certain provisions of The Factories Act now incorporated in this Act.

This Act came into force on March 30, 1943.

## **OPERATION OF SCHOOLS (WAR) ACT**

### **(Chapter 6)**

This Act makes certain temporary changes in the school terms, as a result of which the school vacation will begin on July 1st this year and on August 1st in subsequent years, and extend into October so as to enable teachers and students to assist in harvesting and other seasonal occupations. After this year, the schools will remain open during the month of July. It is provided that teachers shall be paid their salaries in twelve equal monthly instalments, beginning with their salary for the month of September, payable on the second Monday of October. Certain holidays are eliminated so as to enable the schools to make up the time lost through the extended summer vacation. The Act may be repealed at any time by proclamation.

This Act comes into force on September 1, 1943, except paragraph (b) of section 3 which comes into force on July 1, 1943.



## **DEBTORS' ASSISTANCE ACT**

(Chapter 7)

This Act provides for a Debtors' Assistance Board to advise and assist debtors in the adjustment and settlement of their debts with creditors, to arrange meetings between debtors and creditors and to advise and assist debtors in the preparation of any plan or scheme of settlement before any Dominion Board or Court which may have been or may hereafter be set up for the adjustment and settlement of debts.

The Board is given power to make inquiries with regard to the property of debtors and to examine the debtor or other persons on oath who appear to have knowledge of the affairs of the debtor. It is given the powers conferred upon a commissioner pursuant to The Public Inquiries Act.

The expenditures incurred under the Act are payable out of the appropriation voted for the purpose of The Debt Adjustment Act.

This Act came into force on March 30, 1943.

## **POST-WAR RECONSTRUCTION ACT**

(Chapter 8)

This Act provides for the setting up of a Post-war Reconstruction Committee to be named by the Legislature.

Section 5 of the Act empowers the Committee to appoint a secretary-treasurer, technicians and other employees to assist the Committee in carrying out its duties.

The powers, duties and functions of the Committee are set out in section 8 of the Act and generally enable the Committee to obtain information and formulate plans for economic reconstruction measures to be taken at the conclusion of hostilities in the present world conflict. The Committee is given wide powers to make a complete survey of the economic conditions of the Province and to formulate plans for taking care of unemployment which may ensue in the transition period from war time to peace time economy.

Section 9 of the Act enables the Committee to make such other investigations and inquiries for the purpose of carrying



out the scheme of the Act as the Lieutenant Governor in Council may direct.

Section 10 of the Act requires the Committee to prepare and submit a report to the Lieutenant Governor in Council and also provides that the report shall be submitted to the Legislative Assembly at the session held next after the year to which the report relates.

Section 11 of the Act gives the Committee or a member appointed, power to make an inquiry under The Public Inquiries Act.

Section 12 of the Act enables the Lieutenant Governor in Council to pass regulations not inconsistent with the Act.

Section 13 of the Act provides that permanent employees shall have the benefits of The Public Service Act and The Superannuation Act.

Section 14 provides for payment of the expenses of the Committee out of sums voted by the Legislature.

This Act came into force on March 30, 1943.

## **POST-WAR RECONSTRUCTION FUND ACT**

(Chapter 9)

This Act creates the fund known as the Post-war Reconstruction Fund, which will consist of the One Million Dollars appropriated by The Special Appropriation Act, 1943, and any other sums appropriated by the Legislature from time to time together with dividends on investments, interest, etc. The moneys in the fund are to be invested in the securities mentioned in section 5.

The fund with its accumulations is to be applied to,—

(1) The undertaking of public works such as buildings, roads and land settlement projects which will give employment to and assist in the rehabilitation of persons serving in His Majesty's forces;

(2) The granting of assistance by way of subsidy or loan to commercial or industrial projects with the same object in view as in (1);

(3) The payment of the expenses of the Post-war Reconstruction Committee con-



stituted by The Post-war Reconstruction Act.

All works and expenditures are made subject to the approval of the Lieutenant Governor in Council.

This Act came into force on March 30, 1943.

## **CHANGE OF TIME VALIDATION ACT**

(Chapter 10)

This Act validates an Order in Council passed on December 8th last providing for the observation of Pacific Daylight Saving Time instead of Mountain Daylight Saving Time in what is usually called the Peace River area.

The validation is made retroactive to the date of the Order in Council.

This Act came into force on March 30, 1943, and is retroactive to December 8, 1942.

## **SETTING OF POISON ACT**

(Chapter 11)

This Act repeals The Laying of Poison Act, being chapter 200 of the Revised Statutes of Alberta, 1922, and incorporates under section 3 of this Act the provisions of section 5 of The Laying of Poison Act.

Section 4 provides for the distribution of poison for the purpose of exterminating crows and magpies under the safeguards set up under the Act.

Section 5 provides a prohibition against any person setting out poison in the Province except as set out in the Act.

Section 6 is the penalty clause.

This Act came into force on March 30, 1943.

## **WESTASKIWIN COMMUNITY HOSPITAL ACT**

(Chapter 12)

The reason for and the effect of this Act is fully set out in the preamble to the Act. The Municipal Districts of Montgomery and Bigstone were combined into one large district under the provisions of section 19 of The Municipal District Act,



and while their obligations and liabilities under the agreements referred to in the preamble pass to the new enlarged district, it was thought necessary to have legislation in order to settle the constitution of the Hospital Board for the future.

Membership of the Hospital Board provided for by this Act is based on resolutions passed by the councils of the City of Wetaskiwin and of the former Municipal Districts of Montgomery and Bigstone prior to the dissolution of the two districts.

This Act came into force on March 30, 1943.

## **TREASURY DEPARTMENT ACT AMENDMENT ACT**

(Chapter 13)

Section 1 of the Act is self-explanatory.

Section 2 of the Act enables the Lieutenant Governor in Council to appoint an auditor at a salary not exceeding \$6,500.00. As the Act now stands a salary of \$6,500.00 must be paid to the Provincial Auditor and it is desirable that the Lieutenant Governor in Council should have power to appoint a new auditor at a lesser salary.

This Act came into force on March 30, 1943.

## **GOVERNMENT LIQUOR CONTROL ACT OF ALBERTA AMENDMENT ACT**

(Chapter 14)

The amendment made by this Act alters the definition of "public place" to include a conveyance such as an automobile when it is in any public place.

This Act came into force on March 30, 1943.

## **PUBLIC SERVICE EFFICIENCY ACT AMENDMENT ACT**

(Chapter 15)

Section 1 of the Act amends section 3 to divide the Public Service into two main divisions, Division 1 corresponding to Class 1 of the old Act and Division 2 consisting of employees not included in Division 1. Division 2 shall be subdivided into



such classes and grades as may be decided upon from time to time by order in council upon the recommendation and report of the Civil Service Commissioner. This will provide more flexibility in the grading and classification of the civil service.

Sections 2 and 3 of the Act amend sections 5 and 6 to make the appropriate changes to correspond with the change made in section 3 thereof.

This Act came into force on March 30, 1943.

## **SUPERANNUATION ACT AMENDMENT ACT**

(Chapter 16)

Section 1 of the Act amends subsection (4) of section 9 to ensure that no employee whose services are retained, or who is re-engaged, shall be entitled to both superannuation and salary at the same time.

Section 2 of the Act amends section 10 to provide that the employee must select the type of annuity he desires within sixty days of his reaching the age of retirement, otherwise the Board may make the selection for him.

Section 3 of the Act makes the same amendment with respect to a non-contributory annuity.

The change made in the new section 19 enacted by section 4 of the Act is to make the amount of interest repayable to an employee who retires before becoming entitled to an annuity, subject to regulation.

Section 5 of the Act enables an employee who has resigned or been dismissed, and who within a period of three years thereafter is re-employed or re-appointed, to be reinstated in the Superannuation Fund by repaying the amount of moneys withdrawn by him from the Fund and may be placed in the same position as he was at the time of his resignation or dismissal.

The new section 28 added by section 6 of the Act brings permanent employees of the University, except members of the academic staff, under the Act. Provision is made for repayment of the University



contributions to the University where an employee retires before becoming entitled to an annuity. These refunds are to be held in trust for payment of non-contributory annuities.

The new section 29 added by section 6 of the Act brings permanent employees of the University Hospital under the Act under similar conditions.

This Act came into force on March 30, 1943.

## **PROVINCIAL LANDS ACT AMENDMENT ACT**

(Chapter 17)

Section 1 of the Act amends section 16 to provide that the lessee of agricultural lands may comply with requirements as to residence if he resides within three miles of his leased land on a farm occupied by the wife or husband of the lessee, as the case may be, or held as owner, purchaser under agreement for sale, lessee, or homestead entrant.

The addition of subsection (5) to section 44 by section 2 of the Act brings all leases of mineral rights granted by the Dominion Government under the operation of petroleum and natural gas regulations as to drilling requirements now in existence in the Province of Alberta, or which may be brought into effect, so that these leases will be regulated in the same manner as leases now granted under the provisions of The Provincial Lands Act.

The new section 44a prohibits, after the first day of May, 1943, the mining of coal lying within sixty feet of any of the boundary lines of the location, and also prohibits the making of an opening underground into adjoining lands without the permission of the Minister.

The new section 44b deals with cases of mines which are abandoned or where work has ceased, and prohibits the removal of machinery, etc., without the written authority of the Minister, and imposes penalties for the breach of the section. The Minister has to be satisfied that the abandoned mine is left in a safe condition.

The amendment to section 58 by section 3 of the Act does away with the necessity



of a person appearing in person to make a tender for a permit berth.

The amendment to section 108 clarifies the right of the Province to levy against goods and chattels regardless as to whether they are held under a mortgage, lien or other incumbrance, where they are found on lands upon which there is owing rentals and royalties to the Provincial Government, and also makes clear the right of the Province to distrain for moneys owing to the Crown under an agreement for sale of land.

This Act came into force on March 30, 1943.

## **WATER RESOURCES ACT AMENDMENT ACT**

(Chapter 18)

The amendment to the definition of "undertaking" extends it to the transmission and utilization of water, it being now confined to water power.

Subsection (1) of section 43 as it now stands authorizes the Lieutenant Governor in Council to take over and operate irrigation works but no machinery is provided for operating the works or collecting rates. The object of the new subsection (1) is to provide this machinery by giving the Lieutenant Governor in Council all the powers of a Board of Trustees.

The new section 49 extends the lien for water rates and charges to cover all farm produce. The former section limited the lien to grain crops, hay crops and root crops. The new section is the same as the corresponding section in The Irrigation Districts Act.

The amendment to section 50 changes the date for returns by licensees from January 31st to March 15th, and makes some changes in the information required.

Section 67 authorizes agreements between the Province and the Dominion and other provinces, for the establishment of a board with jurisdiction to regulate and control the use of inter-provincial boundary waters. The amendment cuts down the power of the board from regulating, etc., to investigating and advising.

Subsection (5) added to section 69 authorizes the Minister to enter into

agreements with the Dominion Government for the construction by the Dominion of conservation projects, under The Prairie Farm Rehabilitation Act. The Minister is also given power to expropriate, when necessary, right-of-way for such projects, and for the operation and control of such projects by or on behalf of the Province.

This Act came into force on March 30, 1943.

## **NOXIOUS WEEDS ACT AMENDMENT ACT**

(Chapter 19)

This amendment to The Noxious Weeds Act widens the definition of "screenings" to include material removed from forage crop seeds as well as cereal seeds, and is to enable a more effective control of weed seeds under the Act.

This Act came into force on March 30, 1943.

## **DRAINAGE DISTRICTS ACT AMENDMENT ACT**

(Chapter 20)

The corresponding former section of this Act provided that if a district had no debenture indebtedness, one-third of the land owners might petition for dissolution of the district, and if three-fifths of the votes cast at an election on the question were in favour of dissolution, the Minister was required to dissolve the district. It is felt by the Drainage Council that such a dissolution might lead to serious results and there would be no body which would be responsible for the upkeep of ditches, bridges, culverts, etc., or for destruction of weeds. The object of the substituted section is to make the granting of a vote conditional on the approval of the Drainage Council, the granting of which approval will be subject to the council being satisfied that the works of the district will be maintained by a municipality or other body becoming responsible therefor, or be dismantled. A majority of the votes cast is required before the petition can be dealt with by the Minister.

This Act came into force on March 30, 1943.



## **ALBERTA EVIDENCE ACT AMENDMENT ACT**

(Chapter 21)

This Act amends The Alberta Evidence Act by introducing a new section 37a. This section provides that a print from a photographic film of entries in books, documents of government departments, banks, and other corporations mentioned, shall be admissible in evidence when it is shown that the film was taken in order to keep a permanent record while the document was still in the custody of the corporation or department, and that the original had been subsequently destroyed or delivered to a customer. Provision is made for proof of these things either orally or by affidavit.

This enactment would enable the corporations mentioned in the section and government departments to obtain badly needed space now occupied by documents which have accumulated over long periods of years. The Department of Lands and Mines felt the need of such legislation some time ago, and legislation similar to this amendment was passed in 1941 and is now section 10 of The Department of Lands and Mines Act, chapter 11, R.S.A. 1942.

The amendment, limited however in its application to banks and government departments, was adopted by the Conference of Commissioners on Uniformity of Legislation in 1941, and has since been passed by six of the provinces and is being dealt with at the present session of the Saskatchewan Legislature.

The amendment made by this Act extends the operation of the section to certain corporations other than banks, and an amendment to The Canada Evidence Act in the same terms was passed by Parliament last year.

This Act came into force on March 30, 1943.

## **DISTRICT COURTS ACT AMENDMENT ACT**

(Chapter 22)

Section 27 of The District Courts Act provides that parties to an action may agree that the Court shall have jurisdic-

tion to try a claim otherwise beyond the jurisdiction of the Court. No similar provision is made with regard to a counter-claim. The new section inserted by this amendment is to provide that the parties may agree to the jurisdiction of the Court in the cases both of actions and of counter-claims.

This Act came into force on March 30, 1943.

## **SPECIAL AREAS ACT AMENDMENT ACT**

(Chapter 23)

Section 6 transfers to the Minister of Lands and Mines the authority given to the Minister of Municipal Affairs in special areas under The Improvement Districts Act and The Assessment Act. The purpose of the amendment is to give the Minister of Lands and Mines the power of the Minister of Municipal Affairs under The Tax Recovery Act in addition to the power he already has under The Improvement Districts Act and The Assessment Act, so that all the powers relating to assessment and taxation will be in the one Department.

Section 2 of the Act amends section 8 by changing semi-annual penalties on arrears of taxes to annual penalties. The date on which the penalty is added is changed from July 1st to April 1st, and the semi-annual penalty of four per cent is changed to an annual penalty of six per cent, or such lesser rates as the Minister may prescribe.

The amendment to section 13 adds to the powers of the Minister the authority to enter into agreements with hospitals and medical practitioners for hospitalization and medical attention to residents of the special areas.

The amendment to section 17 authorizes the payment of travelling expenses and subsistence to members of the Advisory Committee in performing duties assigned to them by the Board in addition to attending meetings to which the power to pay expenses is now limited.

This Act came into force on March 30, 1943.



# SCHOOL ACT AMENDMENT ACT

## (Chapter 24)

Section 1 of the Act provides that the board may designate the school or room in which each of its teachers shall teach, and if expedient, gives the board power to transfer a teacher from one school or room to another.

Section 2 of the Act enacts a new section which provides details as to the conveyance of children in school divisions from one school district to another. These provisions are similar to those already in the Act relating to consolidated school districts.

Section 3 has the effect of raising the minimum salary to be paid a teacher from \$840.00 per annum to \$900.00 per annum.

The effect of section 4 is to extend the provisions of the subsection to all districts. It was formerly limited to certain specified districts.

Section 5 cures an omission and authorizes the Minister to change the number of a subdivision.

Section 6 of the Act,—

- (a) changes the hour of the annual meeting of electors and ratepayers of subdivisions from one o'clock to two o'clock;
- (b) changes the time for receiving nominations from the hour between three and four o'clock to "any time during the meeting prior to four o'clock";
- (c) substitutes a new provision for the former provision which required a copy of the minutes signed by the chairman and secretary of the meeting to be forwarded to the Department.

Section 7 of the Act enacts a new section providing the procedure at elections. Formerly the poll was held at a public meeting in each subdivision. Under the new section the poll is held on the day fixed by the section with respect to first and subsequent elections.

Section 8 of the Act merely changes the number of the earlier sections applicable to elections in divisions, these changes being necessitated by the changes made by section 7.

Sections 10 and 11 of the Act are also necessitated by the changes in section 7.

Section 12 of the Act changes the term of office of divisional trustees from two years to three years and provides procedure for determining the term of office of new trustees elected at the first election of trustees in a division.

Section 13 of the Act makes new provisions for filling vacancies on the board. The former section empowered the board to fill vacancies by appointment except where a member's election had been set aside by the Court. The new section provides for a by-election if the vacancy occurs prior to September 1st, but that if the vacancy occurs on or after that date the vacancy shall not be filled until the next annual election. Provision is made for the Minister filling a vacancy which has not been filled in the manner provided by the Act.

Section 14 of the Act changes the wording of the authority of the board to make provision for conveyance of pupils, details of which are found in the new section 137a set out in section 2 of the Act. It also provides that the board of a division may designate the school or room in which each of its teachers shall teach, and if expedient, gives the board power to transfer a teacher from one school or one room to another.

Section 15 of the Act amends section 290 which provides that a divisional board may determine that in any hamlet in the division its estimated expenditures are above the average expenditure by reason of the density of population. In such a case the board may by resolution determine the amount of the excess for the year and make an additional requisition therefor. The effect of the amendment is to authorize the board to fix a minimum tax not exceeding ten dollars to be paid by persons assessed upon the assessment roll with respect to land on which a dwelling house is situated.

Section 17 changes Form L. This is necessary by reason of the changes made in the election procedure.

This Act came into force on March 30, 1943, except section 3, which comes into force on July 1, 1943.



## **SCHOOL TAXATION ACT AMENDMENT ACT**

(Chapter 25)

Subsection (2) of section 6 now provides that farm lands in a rural district containing a hamlet, situate outside the hamlet, shall be assessed on the same basis as farm lands in a village district situate outside that village. This brings about an equality of taxation on certain farm lands in the Province. The subsection does not apply to farm lands in a special area where the mill rate may be fixed by the Lieutenant Governor in Council under The Special Areas Act.

Section 40 of the Act provided that a judgment against the school district could only be enforced by execution and that the Rules of Court relating to garnishee proceedings should not apply to school districts, the object of these provisions being to prevent a school district being hampered in its operations by its bank account being attached, leaving no funds with which to pay the salary of the teacher and other expenses. When these provisions were passed, school divisions were overlooked, and the object of the amendment is to apply these provisions to school divisions, it having been recently held in the Courts that the bank account of a school division was subject to garnishment.

This Act came into force on March 30, 1943.

## **RESEARCH COUNCIL ACT AMENDMENT ACT**

(Chapter 26)

The amendment made by section 1 of the Act enables the Lieutenant Governor in Council to appoint to the Council more than two members of the Executive Council.

Section 2 of the Act slightly enlarges the scope of the researches of the Council and authorizes the appointment of an Acting or Deputy Director.

The new section 11a added by section 3 of the Act enables the Director or his Deputy to obtain information and statistics as to the trades, businesses and industries of the Province and imposes penalties on

persons who make default in complying with a demand for information made under the authority of subsection (1). Provisions are also made in the section limiting the use of any information obtained under the section. The section does not apply to secret or confidential information, or information the disclosure of which, would be injurious to the person carrying on the trade or business.

This Act came into force on March 30, 1943.

## **TELEPHONE AND TELEGRAPH ACT AMENDMENT ACT**

(Chapter 27)

The only change made by the Act in section 10 is to extend the benefits authorized by the scheme to death benefits payable to the dependants or estates of the deceased.

The proviso to section 12 struck out by the Act limited the contributions by the telephone system to the pension fund to not more than the amounts contributed by the employees. The amendment, by striking out this proviso, removes this limit.

This Act came into force on March 30, 1943.

## **ALBERTA INSURANCE ACT AMENDMENT ACT**

(Chapter 28)

Section 1 of the Act is to protect persons having more than one policy of insurance from terms of a policy which provides that it shall be excess to the other policy, that is, not contributory for a rateable share until the other policy is paid out. Such provisions in a policy are invalidated by the amendment unless consented to by the other insurer. This amendment has been approved by the conference of Provincial Superintendents of Insurance.

Section 2 of this Act amends the statutory conditions applicable to fire insurance policies. The existing condition 4 (b) reads as follows:

“4. Unless otherwise specifically stated in the policy, the insurer is not liable for the losses following, that is to say,—



“(b) for loss or damage caused by invasion, insurrection, riot, civil commotion, military or usurped power;”

As Parliament has provided for war damage in The War Risk Insurance Act, chapter 35, Statutes of 1942 (Canada), it is thought advisable to change the above exception to the form as it appears in this Act. The insurance companies co-operating with the Dominion Government in war risk insurance have agreed not to write any war risk insurance except under that Act. This amendment has the approval of the Superintendents of Insurance of Ontario and British Columbia and other provinces and may be repealed by proclamation.

Section 3 of the Act adds a new statutory condition applicable to automobile insurance policies, which exempts the insurer from liability for the risks mentioned, unless the policy or an endorsement thereon expressly provides otherwise. This amendment has already been passed by Ontario, British Columbia, Saskatchewan, Manitoba and New Brunswick, and Quebec already has such an exclusion in its policies.

This Act came into force on March 30, 1943.

## **ALBERTA HAIL INSURANCE ACT AMENDMENT ACT**

(Chapter 29)

Section 1 of the Act incorporates provisions authorizing the Hail Insurance Board to establish a superannuation fund by setting up a plan to be approved by the Lieutenant Governor in Council. Subsection (5) authorizes the Board to set aside, before the inception of the plan, a sum not in excess of eight per cent of the aggregate of salaries of officers and employees as the nucleus of the superannuation fund and also authorizes the Board to make an agreement with any officer as to a pension or retiring allowance.

Section 2 of the Act enacts a new section 19a which provides for a new kind of policy to be issued under which the policyholders are limited to sharing in the premiums received on that particular class

of policy less expenses, and authorizes the setting up of a special account into which shall be paid a sum to be fixed by the Board and all sums received as premiums on such class of policy.

By section 3 of the Act, subsections (1) and (2) of section 20 of the Act are repealed and replaced by new subsections. The new subsections provide for partial or full payment of claims earlier than November 1st, the date formerly fixed. It is further provided that if the payments provided by subsection (1) are not made by November 1st, the Board shall on that date make a payment not exceeding fifty per cent on all claims and the balance *pro rata* if necessary on March 1st.

This Act came into force on March 30, 1943.

## **LAND SALES PROHIBITION ACT AMENDMENT ACT**

(Chapter 30)

This Act amends The Land Sales Prohibition Act which prohibits the sale of land to enemy aliens and Hutterites. The purpose of the amendment is to extend this prohibition to leases and agreements for leases. The amendment does not operate to prevent renewal from year to year of any lease granted prior to March 31st, 1942, nor to a similar renewal of any lease heretofore granted by any Department of the Government.

This Act came into force on March 30, 1943.

## **MECHANICS' LIEN ACT AMENDMENT ACT**

(Chapter 31)

The change made by section 1 of the Act is to strike out the reference in subsection (1) of section 6 to the estate or interest of the owner in the land to impose the lien on the land itself.

Section 2 of the Act makes clear when the lien for materials arises, which before was open to argument.

Section 3 of the Act puts the husband and wife in the same position with respect to a presumption of agency of one for the other.



The amendment to section 10 made by section 4 of the Act merely brings the section into line with the new subsection of section 6.

Section 5 of the Act strikes out section 11 and substitutes three other sections which deal with the priorities as between liens and mortgages and with the disposition of the proceeds after sale of the land, the aim being to make a fair distribution as between a mortgagee and a lienholder where there is not sufficient proceeds to satisfy both claims. The value of the improvements to which the lien attaches and all subsequent improvements are taken together in ascertaining the value of the improvements for the purpose of distributing the proceeds. Provision is made for either the mortgagee or lienholder to purchase the premises at a price not less than the value of the land and improvements fixed by the court. The provisions of these sections are made to apply to all liens arising before as well as after the amendments are passed and to all proceedings with respect to same, except where they have been concluded by sale or an order of the court vesting the lands in the mortgagee.

Section 6 of the Act brings the provisions of section 12 in line with the other changes already made.

Sections 14a and 14b inserted by section 7 of the Act provide for the cases where the contract price is not payable in money but in shares, etc. The lien, in such a case, has been held unenforceable as the Act now stands.

The new section 26a enacted by section 8 of the Act cures an omission in the Act. Provision is made by section 23 for the registration of liens on oil and gas well equipment in the office of the Minister of Lands and Mines but no provision was made for cancellation of such liens by notice, etc., as provided with respect to liens registered in the Land Titles Office. The object of the new section is to provide this procedure.

Subsection (6) of section 35 is struck out by section 10 of the Act owing to the change made by earlier sections as to distribution of proceeds as between a mortgagee and lienholder.

Section 11 of the Act incorporates in the Act a new section 38a which empowers a judge to order the removal from the land and sale of a building or structure to satisfy a lien under the Act when the judge thinks that course a proper one having regard to the value of the building and the amount owing on the lien. In such case all the proceeds of the sale will be applied on the lien up to the amount of the claim.

Section 12 of the Act incorporates new provisions relating only to liens in connection with oil and gas wells. The lien is extended to cover oil and gas in place or severed and makes all persons having an interest in the oil or gas come within the definition of "owner" in the Act. Owners of the fee simple are protected to the extent of twenty per cent royalty. Section 45 enacted by section 12 of the Act makes it clear that the lien applies to the interests over the twenty per cent of the owner of the fee simple.

This Act came into force on March 30, 1943.

## **WATER, GAS, ELECTRIC AND TELEPHONE COMPANIES ACT AMENDMENT ACT**

(Chapter 32)

Section 8 of the above Act as it now stands prohibits the construction of mains and pipes for the supply of gas, water or electricity within six feet of existing mains, pipes, etc., except with the consent of the company maintaining them, and payment of compensation to be agreed upon, but does not prohibit the construction of sewers in the same way. The amendment extends the provisions of the section to apply to sewers and is intended as a safety measure, particularly where gas mains are constructed in the same street. If the corporations interested cannot agree on terms or on the compensation, the questions may be referred to the Board of Public Utility Commissioners, whose decision shall be final.

This Act came into force on March 30, 1943.



## **OLD AGE PENSIONS (SUPPLEMENTARY ALLOWANCES) ACT AMENDMENT ACT**

(Chapter 33)

The Act to be amended by this Act provided for payment of an additional allowance to old age pensioners and blind pensioners, but the payment was not extended to Alberta pensioners who removed to other provinces. The object of section 1 of the Act is to remove this restriction with respect to such pensioners who remove to a province which pays similar supplementary allowances to Alberta pensioners resident in such province. The payment by Alberta is to be the same as that paid by the other province, but not to exceed five dollars per month.

Section 2 authorizes the making of agreements with other provinces to accomplish the above purpose, and section 3 validates the agreement set out in the Schedule already made with the Province of British Columbia.

This Act came into force on March 30, 1943.

## **VEHICLES AND HIGHWAY TRAFFIC ACT AMENDMENT ACT**

(Chapter 34)

The new subsection to section 20, enacted by section 1 of the Act, authorizes the Minister to grant temporary permits to persons between the ages of sixteen and eighteen years to operate a motor vehicle as a chauffeur. The subsection, however, does not authorize the granting of permits to such persons to drive a vehicle used for the purpose of transporting passengers for hire.

This Act came into force on March 30, 1943.

## **PUBLIC SERVICE VEHICLES ACT AMENDMENT ACT**

(Chapter 35)

Section 1 of the Act, which enacts a new section 35, extends the power of the Highway Traffic Board to exempt public service vehicles from the necessity of being

equipped with a liquid fire extinguisher. Formerly this exemption was limited to the vehicles used exclusively for transporting certain commodities. The amendment removes this limitation and also enables the Board to exempt classes of vehicles as well as individual vehicles.

The new section 38, enacted by section 2 of the Act, enables the Board to exempt classes of public service vehicles from the requirement as to being equipped with one extra serviceable tire. The provision in subsection (2) of the new section 38 is new.

The change made by section 3 of the Act, amending section 65, is to abolish the minimum fine of ten dollars for the first offence against provisions of the Act for which no penalty is elsewhere provided. Most of these offences are trivial and the change will give a magistrate discretion to impose a fine of less than ten dollars if the circumstances warrant.

This Act came into force on March 30, 1943.

## **INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT ACT**

(Chapter 36)

Section 1 of the Act amends subsection (1) of section 5 by striking out the penalty clause of the subsection which is now included in section 5*a*.

Section 2 of the Act adds a new section 5*a* to the Act which is inserted for the purpose of requiring an employer or his accredited representative to attend meetings with the negotiating committee.

Section 3 of the Act amends subsection (1) of section 7 to prohibit any person from seeking to compel by intimidation or threats, an employee from engaging in any activities of a union, negotiating with committees making complaints, or giving evidence at an inquiry. The change in the subsection will be found in paragraph (d).

This Act came into force on March 30, 1943.



## **INDUSTRIAL WAGES SECURITY ACT AMENDMENT ACT**

(Chapter 37)

Section 1 of the Act amends the definition of "designated industry" to provide that the Order in Council may restrict the operation of the order in respect of such industry to certain specified areas within the Province.

Section 2 of the Act amends section 7 to provide that the Minister may accept any type of security which he deems advisable and may refer to the Board of Public Utility Commissioners, the application to furnish securities in order to have the same approved by the Board.

This Act came into force on March 30, 1943.

## **ENGINEERING PROFESSION ACT AMENDMENT ACT**

(Chapter 38)

Section 1 of the Act amends section 5 so that it will not be necessary to have each branch of engineering equally represented on the Council of the Association of Professional Engineers. This change is advisable because there are very few members in some of the branches and the majority of the members are in the civil engineering branch.

Section 2 of the Act substitutes a new section for section 7 to permit the Council to register persons who are not British subjects but are otherwise qualified under the provisions of the Act and who have been granted permanent landing under the immigration regulations, and intend to remain in Canada.

Section 3 of the Act provides a new method of electing councillors to permit the council to be elected from the membership at large instead of from each branch of the association.

Section 4 of the Act provides the machinery for electing councillors from the membership at large.

Section 5 of the Act amends section 12 to provide for the appointment or re-appointment of a registrar.

Section 6 of the Act substitutes the word "registrar" for "secretary" in section 13.

Section 7 of the Act strikes out section 19, which is now incorporated in the provisions of section 7 thereof.

Section 8 of the Act amends Schedules A and B in certain minor particulars.

This Act came into force on March 30, 1943.

## **MOTHERS' ALLOWANCE ACT AMENDMENT ACT**

(Chapter 39)

The amendment to section 4 made by section 1 of the Act authorizes the payment of allowance with respect to any children under sixteen. The provision formerly applied to boys under fifteen and girls under sixteen.

The new section 7a enacted by section 2 of the Act permits the extension of payments in proper cases, for the balance of the school academic year where a child becomes sixteen after the opening of school in the December term while attending school and making satisfactory progress.

The amendment to section 13 merely cures an omission in the Act.

This Act came into force on March 30, 1943.

## **BILLIARD ROOM ACT AMENDMENT ACT**

(Chapter 40)

Section 1 of the Act amends section 10 to reduce the fee to one-half in the case of an assignment or transfer of the license after the first of January in any licensed year.

This Act came into force on March 30, 1943.